

UN SOUNDNESS OF MIND AND ITS CONSEQUENCES IN CRIMINAL LAW A PSYCHO LEGAL STUDY

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Abstract

Concerning the insanity defense in particular, this research delves into questions of law and psychology. To describe a person's mental condition, the legal community primarily uses the word insanity. How the mind works and responds to the situations we encounter every day is explained in detail by the scientific field of psychology, which studies behavior and experiences. Everyone is expected to obey the law since it is based on the assumption that everyone is sane. Those who disobey the law are subject to the penalties outlined in the Indian Penal Code (IPC). But there are broad exceptions in criminal law that allow some to avoid punishment. An accused individual who was legally considered to have been mentally unwell at the time of the commission of the crime may be entitled for the benefit under Section 84 of the Indian Penal Code. The Mc'Naghten rule and the definition of "unsound mind" as insanity are cited in this section. The Indian Judiciary has taken a stand on the matter of defining "unsound mind" whenever questions have been raised, despite the fact that the phrase is not specifically defined in any statute. The judiciary has made it clear that not all cases of medical insanity may be considered legal insanities and thus may not be excluded. One must show their legal insanity beyond a reasonable doubt in order to get benefits under stated law. Evidently, Indian courts are still relying on the Mc'Naghten rule-based assumptions when determining cases of legal insanity.

By doing this study, the researcher hopes to raise awareness about the potential of clinical psychology and empirical research to improve criminal justice system practices and procedures, ultimately leading to more effective justice with the help of clinical psychology.

Introduction

The scientific study of human behavior in all its forms is known as psychology. It teaches us how the mind works and reacts to everyday experiences; it's a science of behavior and

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experience. By placing people in the right situations, this field may forecast their behavior to a certain degree and even assist regulate it. The laws of thought are its target.

An individual's behavior is the outward manifestation of their internal experiences as a result of their interactions with their surroundings. The field of psychology likewise strives for an organized corpus of information on the mind and its workings. Psychological processes and behaviours are therefore the subject of scientific study in the field of psychology. In addition, it can gauge how well a person's intellect can communicate with its surroundings. On the one hand, knowing how people's minds work becomes crucial when trying to figure out what motivates them. However, laws are put in place to regulate human actions that might go against the grain of a society's established conventions. Both topics may be connected in this manner.

The study of law developed with human civilization, and the field of psychology has been an integral part of it from the beginning (albeit the terms psychology and philosophy were originally used interchangeably). Over time, the study of psychology as a distinct branch of behavioral science matured and began to make inroads into all branches of human study, most notably the study of law and justice.

The first such event occurred in the nineteenth century, when the Austrian physician and psychoanalyst Dr. Sigmund Freud made a seminal contribution. Dr. Sigmund Freud was the one who first thought of using psychology in the judicial system, however it is unclear when exactly this happened. In 1906, an Austrian judge made a statement acknowledging that the unconscious mind had a role in his judgment, marking the beginning of a prospective understanding of the potential contributions of psychology to the legal system.

Over time, other branches of law and justice began to include psychological principles. 'Psychology in law,' 'psychology and law,' and 'psychology of law' are three ways to categorize the abundance of psychological research and practice in the legal system. 'Psychology in law' denotes certain psychological applications within the legal system, such as determining the credibility of eyewitness accounts, assessing the defendant's mental health, and determining which parent is more qualified to have custody of a child after a divorce, among other examples. In 1996, Blackburn used the phrase "psychology and law" to describe psycho-legal studies including attorneys, judges, jurors, and criminals. The field known as the "psychology of law" studies the effects of punishment, public opinion on different types of crime, and the formation of moral character.

An emerging field in the latter half of the twentieth century, "legal psychology" is "the

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scientific study of the effects of law on people, and the effect people have on the law." So goes the definition.⁴ The field of legal psychology encompasses not only the study of law and its institutions, but also the psychological analysis of individuals who find themselves in disputes with the law.

Criminal law and civil law are the two main areas of study in the legal system. Crimes committed against the state are defined and punished under criminal law. A person's rights and responsibilities with respect to another person are a part of civil law. Individuals, rather than the state, initiate legal proceedings under civil law in order to assert their rights against one another. Many people assume that those who get into trouble with the law are suffering from mental illness. According to criminological research, those who perpetrate the most horrific crimes often suffer from mental illness. In addition, many offenders who committed crimes while experiencing mental illness may not realize the gravity of their actions. Without conducting a psychiatric examination, it is very difficult to ascertain the purpose and motivation of such criminals with mental illness. Hence, the justice system should be made more aware of the significance of psychological evaluation, developments in the field, and standardized tests for gauging mental health and psychopathology. These tools can help courts determine criminal culpability for offenders who are mentally ill, stupid, or otherwise unfit to stand trial.

For criminals who suffer from mental illness or are unable to commit the crime due to mental incapacity, our judicial system clarifies the laws pertaining to the extraordinary clause. With the help of the medical model, our criminal justice system can handle problems associated with mental illness; nevertheless, we must not overlook the crucial psychological and cultural factors. Thus, it would be hard to overlook the application of psychology to law in this aspect.

The concept of insanity and legal jurisprudence

The criminal offender's culpability may be ascertained by looking at their mental and physical capacities. There must be proof of guilt beyond a reasonable doubt before a person may be found guilty, according to the submission. Put another way, the burden of proof is on the prosecution to establish guilt. A person with a sound mind may commit a crime provided he or she is aware of the potential outcomes of their actions, according to the study. If the individual in issue is of legal age and capable of distinguishing between right and wrong, he will face consequences. Because it needs meeting the element of crime, i.e., "Actus non facit reum nisi mens sit rea" (damage act of doing), it becomes very difficult to trace the

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purpose from the accused's face in criminal law. The problem comes when a mentally sick individual commits a crime, which shows that there is a 'actus reus,' but it will be hard to frame a 'mens rea,' because of his disturbed mind.

A person's ability to discern right from wrong may be impaired in a number of mental health problems, including delirium, dementia, hallucinations, delusions, dissociation, and others. Therefore, it is impossible to show guilt in cases when an individual with a mental disability or condition commits a crime. Since the act of committing an offense is common and does not dictate how the crime is carried out, it is necessary to prove purpose in order to establish culpability for the conduct. No litmus test can decide whether the duty is individual or communal. In order to be held legally responsible for a crime, one must be guilty not only of the deed but also of the thinking. This is a well-known adage that informs our understanding of what constitutes criminal intent.

Those who are not found guilty are also granted immunity under the Indian Constitution. But if penalized, it would be a breach of fundamental rights and human dignity. Furthermore, the concept of natural justice is used if the individual is incapable of defending himself in a legal proceeding. A person is not subject to punishment by the court if he is unable to do a criminal act.

One of the key components in determining the level of participation in a particular crime is the idea of intention, which deserves detailed discussion at this juncture.

A person is held accountable for committing a crime if their actions are done with the purpose to cause damage. As the definition of purpose suggests, criminal intent is knowing that one is going to do wrong. According to Canadian law, "intent" is "the deliberate decision to commit an unlawful or negligent act, or to cause harm to another person."

Grounds of sanity

Although insanity pleas are statistically uncommon, the subject is among the most often covered in criminal law. This seeming distinction arises because the insanity defense touches on assumptions that are quite near to the core philosophical aspects of criminal law. It casts doubt on the fundamental principles of criminal law. The insanity defense has sparked interminable debates since it is one of the most complex and contentious topics within the field of criminal law.

New insights and conclusions frequently emerge from these discussions. It has sparked several protracted feuds between the legal community and mental health practitioners. The

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mental health expert accuses the bar and bench councils of being judicial killers. Without ever getting far, the activists just keep pointing fingers at the doctors and nurses. In jurisprudence, the issue of insanity is more of a matter of criminal responsibility than of fact.

Conclusion

Over half a billion people, or 10% of the global population, are physically or mentally impaired; of them, almost 80% reside in developing countries. Basic educational possibilities are often withheld from them, and they are frequently assigned low-paying or tedious employment. Cultural life and typical social relationships are off-limits to them due to societal norms. Those who have persistent impairments in physical, mental, intellectual, or sensory capacities, which, when combined with additional obstacles, may prevent them from fully and effectively participating in society on an equal footing with others, are classified as persons with disabilities.

The General Assembly formed an Ad hoc Committee on December 19, 2001, to draft an all-encompassing International Convention on the Rights and Dignity of Persons with Disabilities, with the goal of protecting and promoting the rights and dignity of people with disabilities. The purpose of the Working Group, which was established in June 2003 by the Ad hoc Committee, is to prepare and propose a convention draft. Before sending it to the General Assembly for final approval, the Ad hoc Committee approved the Convention's draft text. The Convention on the Rights of Persons with Disabilities was approved by agreement by the General Assembly on December 13, 2006. Once 20 states have ratified the convention, it will enter into effect thirty days later. Rights to life, equality before the law, justice, liberty, and security of persons, freedom from cruel, inhuman, or degrading treatment or punishment, freedom from exploitation, violence, and abuse, freedom of movement and nationality, freedom of expression and opinion, access to information, respect for privacy, and many more are all outlined in the Convention. Access to healthcare, education, and gainful employment are among the rights guaranteed to people with disabilities by the Convention. They are entitled to equal participation in all aspects of public and political life as well as cultural life. Please be informed that no new rights were established for people with disabilities by the Convention. It did, however, make particular note of them so that Convention States might bring public attention to the need to protect the rights and dignity of people with disabilities.

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